

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

THOMAS CLAY WADE,
Defendant.

Criminal Action No. 10-201

MEMORANDUM OPINION

Pending before the court is a motion to modify the conditions of home incarceration filed by counsel for defendant Thomas Clay Wade (“Wade”) (ECF No. 352). The government filed an expedited response in opposition to the motion (ECF No. 354).

On March 19, 2020, the court granted an unopposed emergency motion for Wade’s release from confinement at the Renewal Center. Wade represented that he has suffered from asthma since childhood and as a result, he is at increased risk for developing serious complications from COVID-19 (ECF No. 350). Wade agreed to reside at his mother’s house subject to home incarceration and electronic monitoring.

One week after his release, Wade filed the pending motion. He asks the court to modify his conditions to allow him to work full-time at a Chipotle’s restaurant. Wade recognizes that this is not ideal for exposure to Covid-19, but states that he needs to work to provide for his basic needs. To mitigate the concern that he may transmit the virus to his parents, Wade offers to move to another location where he can live by himself.

The government opposes the motion. The government argues that Wade poses a danger to the community because he has an extensive criminal history, with 15 prior convictions. Wade was charged on March 2, 2020, with strangling his wife and moved to continue the hearing on the alleged supervised release

violation in this case pending resolution of the state charges. The government also contends that his proposed work would expose him and his family members to serious health risks and is inconsistent with the rationale for his release from Renewal. The government suggests that there are resources available to assist Wade with his basic needs during this crisis. The government cites the Commonwealth of Pennsylvania's website for assistance: <https://www.pa.gov/guides/responding-to-covid-19>, which provides that individuals may seek unemployment benefits, utilities are prohibited from termination, and food pantries and Supplemental Nutrition Assistance Program (SNAP) are providing food assistance. The court urges Wade to pursue these resources.

The probation office also opposes the motion. The probation officer reports that Wade has failed to strictly abide by the conditions of home incarceration by leaving his residence without permission on multiple occasions.

The court is sympathetic to Wade's desire to work to provide income. After considering the parties' contentions, however, the court is persuaded that allowing Wade to be released from home incarceration to commute and work full-time poses an unwarranted danger to the community in light of his criminal history, pending charges and apparent disregard for the conditions of home incarceration. In addition, the proposed employment at a Chipotle's restaurant would pose a danger to Wade, given his reported susceptibility to Covid-19.

In accordance with the foregoing, the motion to modify conditions of home incarceration (ECF No. 352) will be DENIED.

An appropriate order will be entered.

Dated: April 1, 2020

/s/ Joy Flowers Conti
Joy Flowers Conti
Senior United States District Judge